

SCHOOL ENROLLMENT PRACTICES FOR VIRGINIA'S KINSHIP CAREGIVERS

STUDY PLAN

Study Mandate

The Commission on Youth will convene an advisory group of representatives from impacted agencies and stakeholder organizations to study ways to clarify the school enrollment process for informal kinship caregivers. The advisory group will formulate recommendations to be shared with the Commission on Youth prior to the 2012 General Assembly Session.

Issues

- Informal kinship care is a living arrangement in which a relative of a child provides for the care and custody of the child due to a serious family hardship. In Virginia, the majority of kinship care arrangements are informal kinship care in that there is no child welfare involvement and care is provided by relatives in the absence of the parent(s). Informal kinship care refers to the lack of child welfare agency involvement, not the lack of permanency.
- Informal kinship caregivers may face challenges enrolling the child they are caring for in school. Kinship caregivers report that is difficult for a relative who is caring for a child to enroll the child in school if the parents do not live in that school area. This is because some public school officials assume that the child must live with their biological parents or a legal guardian for purposes of school enrollment.
- This issue was addressed in two separate Attorney General's Opinions dated December 1, 1987 and June 14, 2007. These Opinions stated that residence solely for school attendance purposes will not be considered *bona fide* pursuant to the §22.1-3 of the *Code of Virginia*. However, situations in addition to those listed in the *Code* may also entitle persons to free admission to public schools in the locality. School divisions must provide the opportunity to demonstrate a *bona fide* residence and make a determination based on all pertinent facts. School divisions may not refuse to provide free education to a *bona fide* resident of the school division based solely on the categories set forth in the *Code*.
- The "presumptions of residency" for purposes of receiving a free public education set forth in Section 22.1-3 of the *Code of Virginia*, as well as the school enrollment process, need to be clarified for informal kinship caregivers.

Study Activities

- Convene Advisory Group to assist in study effort.
 - Invite representatives from the impacted groups including:

Virginia Department of Social Services	Virginia Department of Education
Local Departments of Social Services	Virginia Department of Aging
Virginia League of Social Service Executives	Area Agency on Aging
Special Advisor to the Governor on Virginia's Children's Services System	Local School Divisions
Virginia Association of School Superintendents	Advocacy Organizations
Educators/Guidance Counselors	Parent Representatives
Virginia Association of Secondary School Principals	Virginia School Boards Association
	Virginia Association of Elementary School Principals
	Project HOPE – Virginia

- Review Virginia laws, regulations, and terminology.
 - Current school enrollment statutes
 - Legal guardianship statutes pertaining to school enrollment
 - Statutes applicable to military families
- Analyze Virginia practices and data.
 - Review Virginia Department of Education's policies
 - Review local school divisions practices and procedures for school enrollment
 - Review state and local Department of Social Services' (LDSS) policies and practices
- Analyze other states' practices and procedures.
 - California, New York kinship care policies
 - Maryland's recent statutory changes easing school enrollment practices for informal kinship caregivers
- Develop recommendations.
 - Synthesize findings from school divisions, other states and constituent groups
 - Develop recommendations for improvement
 - Solicit feedback to recommendations from constituents, families and school officials
- Solicit feedback to recommendations.
- Refine findings and recommendations.
- Present findings and recommendations to the Commission on Youth.
- Prepare final report.